

10333. Misbranding of peanut butter. U. S. v. 8 Cases of Peanut Butter. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 17770. Sample No. 800-H.)

LIBEL FILED: November 30, 1945, Northern District of Florida.

ALLEGED SHIPMENT: On or about April 7 and July 25, 1945, by Cinderella Foods, from Dawson, Ga.

PRODUCT: 8 cases, each containing 24 jars, of peanut butter at Tallahassee, Fla. Examination showed that the product was short-weight.

LABEL, IN PART: "Fairy Wand Peanut Butter * * * Net Weight 1 Lb."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 20, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use as hog feed.

SPICES, FLAVORS, AND SEASONING MATERIALS

10334. Adulteration of chili peppers. U. S. v. Christopher L. Prats (C. L. Prats Chili Co.). Plea of nolo contendere. Fine, \$100 on count 1; sentence suspended on remaining counts, and defendant placed on probation for 60 days. (F. D. C. No. 17796. Sample Nos. 30937-H, 30938-H, 31707-H, 31711-H, 31722-H, 31724-H.)

INFORMATION FILED: February 27, 1946, District of Arizona, against Christopher L. Prats, trading as the C. L. Prats Chili Co., McNeal, Ariz.

ALLEGED SHIPMENT: Between the approximate dates of November 22, 1944, and February 15, 1945, from the State of Arizona into the State of California.

NATURE OF CHARGE: Adulteration, Section 402(a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirt, rodent hairs, insect fragments, rodent-chewed and insect-infested peppers, and, a decomposed substance, decomposed chili pepper material.

DISPOSITION: On June 26, 1946, a plea of nolo contendere having been entered, the court imposed a fine of \$100 on count 1, suspended the imposition of sentence on the remaining 5 counts for 1 year, and placed the defendant on probation for that period. On July 19, 1946, an order was entered modifying and reducing the probation period to 60 days.

10335. Adulteration and misbranding of imitation pepper. U. S. v. Tulah Evans Brooks (General Products Co.). Plea of guilty. Fine, \$500. Defendant placed on probation for 3 years. (F. D. C. No. 16586. Sample No. 217-H.)

INFORMATION FILED: On or about November 6, 1945, Middle District of Georgia, against Tulah Evans Brooks, trading as the General Products Co., Albany, Ga.

ALLEGED SHIPMENT: On or about March 1, 1945, from the State of Georgia into the State of North Carolina.

LABEL, IN PART: "Ritz Black Pepper Decortication With buckwheat middlings added."

NATURE OF CHARGE: Adulteration, Section 402(b) (1), a valuable constituent, pepper, had been in whole or in part omitted from the product; and, Section 402(b) (2), a mixture of buckwheat hulls and bran and flour with pepper shells had been substituted in whole or in part for black pepper.

Misbranding, Section 403(a), the label statement "Black Pepper," borne prominently on the label, was false and misleading; and this false and misleading impression created by the prominent statement was not corrected by the inconspicuous statement "Decortication with buckwheat middlings added." Further misbranding, Section 403(e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, for the label bore no statement of the quantity of the contents.

DISPOSITION: April 2, 1946. A plea of guilty having been entered, the defendant was fined \$500 and placed on probation for 3 years.

10336. Adulteration of imitation pepper. U. S. v. 711 Packages of Imitation Pepper (and 2 other seizure actions against imitation pepper). Default decrees of condemnation and destruction. (F. D. C. Nos. 17602, 17604, 17605. Sample Nos. 688-H, 1403-H, 2734-H.)

LIBELS FILED: September 25 and 27, 1945, District of Maryland and Northern District of Georgia.

ALLEGED SHIPMENT: February 24, June 26, and July 23, 1945, by Basic Food Materials, Inc., from Cleveland, Ohio.

PRODUCT: Imitation pepper. 477 5-pound packages and 234 1-pound packages at Baltimore, Md.; and 41 cartons, each containing 24 1-pound bags, and 234 1-pound packages at Atlanta, Ga.

LABEL, IN PART: "Chef's Delite Imitation Pepper."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of one or more of the following: Weevils, larvae, beetles, insect fragments, and rodent hairs.

DISPOSITION: October 31 and November 1, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10337. Adulteration of pepper piccalilli. U. S. v. 374 Cartons of Pepper Piccalilli (and 5 other seizure actions against pepper piccalilli). Default decrees of condemnation and destruction. (F. D. C. Nos. 17648, 17653, 17656, 18156, 18247 to 18249, incl. Sample Nos. 4496-H, 4500-H, 5002-H to 5004-H, incl., 5008-H, 5011-H, 5015-H.)

LIBELS FILED: October 10, 11, 12, and 31, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of September 1 and September 20, 1945, by the Uddo and Taormina Co., from Vineland, N. J.

PRODUCT: 374 cartons, 69 cartons, and 151 cartons, and 150 cases, 59 cases, 129 cases, and 197 cases of pepper piccalilli peperoni at Philadelphia, Pa.

LABEL, IN PART: "Progresso Brand * * * Pepper Piccalilli Peperoni."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of flies, fly eggs, fly parts, larvae, maggots, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 6, 1945, and January 3, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10338. Adulteration of yellow mustard seed. U. S. v. 284 Bags of Yellow Mustard Seed. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17543. Sample No. 9832-H.)

LIBEL FILED: February 25, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about February 8, 1945, from Conrad, Mont.

PRODUCT: 284 100-pound bags of yellow mustard seed at Buffalo, N. Y., in possession of the Merchants Refrigerating Co. (Terminal and Transportation Warehouse). The product was stored under insanitary conditions after shipment. Some of the bags were rodent-gnawed, and rodent excreta and urine stains were observed on them. Examination showed that the product contained rodent excreta.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 6, 1946. The Merchants Refrigerating Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of bringing it into compliance with the law by segregating the good from the bad, destroying the part that was bad, and reconditioning the part that may be made good, under the supervision of the Food and Drug Administration.

10339. Adulteration and misbranding of chow chow. U. S. v. 84 Cases of Chow Chow (and 3 other seizure actions against chow chow). Default decrees of condemnation. Portion of product ordered delivered to a charitable institution; remainder ordered destroyed. (F. D. C. Nos. 17627, 17628, 18392, 19447. Sample Nos. 472-H, 473-H, 1222-H, 1370-H.)

LIBELS FILED: October 10 and December 27, 1945, and March 22, 1946, Northern and Southern Districts of Georgia.

ALLEGED SHIPMENT: On or about August 21, 27, and 29, 1945, by M. Licht and Son, from Knoxville, Tenn.